for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review, provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, strike lines 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by section 101, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 308 (relating to modification of contribution limits), and the application of each such amendment to any person or circumstance, shall be invalid.

SA 169. Mr. DURBIN (for himself, Mr. DOMENICI, Mr. DEWINE, and Mr. LEVIN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(k)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (i), the term ''net cash-on-hand advantage'' means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Stephen Bell of Senator DOMENICI's staff be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 2, 2001

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 5 p.m. on Monday, April 2, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I further ask unanimous consent that at 5 p.m. there be 30 minutes for closing remarks on S. 27, to be equally divided between the chairman and the ranking member of the Rules Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Madam President, again, on behalf of the leader, for the information of all Senators, the Senate will reconvene on Monday and resume the campaign reform bill for 30 minutes for closing remarks. Under the previous order, the Senate will conduct a rollcall vote on passage of S. 27, as amended, at 5:30 p.m. Following that vote, Senators should expect additional votes to occur immediately. Therefore, a late session can be expected with votes. Also, Members should expect votes to be limited to 20 minutes only; therefore, Members will have to be prompt for these votes and all votes during the week of the budget resolution.

ORDER FOR RECESS

Mr. KYL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senators CONRAD, KENNEDY, and NICKLES.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, thank you very much.

I say to my friend and colleague, we both have been here a long time. It is my intention to speak on campaign finance for probably 10 or 15 minutes. Does my colleague want to make a few remarks? His patience is wearing about as thin as mine.

Madam President, I will be happy to yield to my colleague a few minutes if that would accommodate his schedule.

If the Senator from North Dakota is seeking a few minutes, I am happy to accommodate his schedule.

Mr. CONRAD. I thank the Senator from Oklahoma. I will be very brief.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER (Mr. BYRD). The Senator from North Dakota is recognized.

CONSIDERATION OF THE BUDGET RESOLUTION

Mr. CONRAD. I thank the Chair and the Senator from Oklahoma.

Mr. President, I wanted to further engage the Senator from Arizona because the Senator from Arizona asserted that we have received the estimates of the cost of the President's tax package, and that is simply not the case. It is not true. If he has received it, I would like him to give me a copy because we haven't received it.

We haven't received it because the Joint Tax Committee has said they don't have sufficient detail about the President's package to do such a reestimate, and so we are being asked to go to a budget resolution without having the President's budget, without having the estimates from an independent source of the cost of the President's budget proposal, and with no markup in the Senate Budget Committee, which is unprecedented, not even an attempt to mark up in the Senate Budget Committee, and all under a reconciliation which denies Senators their fundamental rights to engage in extended debate and amendment.

There were remarks made on the floor that are just not true. It is one thing to have a disagreement, and we can disagree. We can even disagree on the facts. The facts are clear and direct. The differences between the present and 1993 are sharp. In 1993, we did not have the full President's budget. We did have sufficient detail for an independent, objective review of the cost of the President's tax proposals.

We do not have that now. We do not have the reestimate. We do not have an objective independent review of the cost of this President's tax plan.

What has been reestimated is part of the plan. And what has been reestimated is the estate tax plan of the Senator from Arizona, not the President's estate tax plan, because the Joint Tax Committee has made clear they don't have sufficient detail to make such a reestimate. This body is being asked to write a budget resolution without the budget from the President, without sufficient detail from this President to have an objective, independent analysis of the cost of his proposal, without markup in the committee.

That is another difference. In 1993, we had a full and complete markup in the Budget Committee. This time there is none. It has never happened before.

Some on their side will say, well, in 1983, we went to the floor with a budget resolution without having completed a markup in the committee. That is true. But at least we tried to mark up in the Budget Committee each and every year. Virtually every year we have succeeded, except this year. There wasn't even an attempt to mark up the budget resolution in the committee.

As I say, we are now being asked to go to the budget resolution with no budget from the President, without even sufficient detail to have an independent analysis of the cost of his proposal, which is a massive $1.6 trillion tax cut that threatens to put us back into deficit, that threatens to raid the trust funds of Medicare and Social Security, and we have had no markup in the committee.

The majority is proposing to use reconciliation, which was designed for deficit reduction, for a tax cut. That is an abuse of reconciliation. It would be an abuse if it was for spending; it is an abuse if it is for a tax cut. That was not the purpose of special procedures in which Senators give up their rights, their rights to debate and amend legislation. That is wrong. That turns this body into the House of Representatives.

I say to my colleagues on the other side, in 1993, when our leadership came to some of us and asked to use reconciliation for a spending program, we said no. This Senator said no. That is an abuse of reconciliation because reconciliation is for deficit reduction, not for spending increases, not for tax cuts. We are not to short-circuit the process of the Senate—extended debate, the right to amend—because those are the fundamental rights of every Senator. That is the basis the Founding Fathers gave to this institution. The House of Representatives was to act in a way that responded to the instant demands of the moment. The Senate was to be the cooling saucer where extended debate and discussion could occur, where Senators could offer amendments so that mistakes could be avoided.

All of that is being short-circuited. All of that is being thrown aside. All of that is being put in a position in which the fundamental constitutional structure of this body is being altered.

Because the Senator from Oklahoma was so gracious, I am going to stop for the moment so he can make his remarks. Then I will resume at a later point in time. I wanted to do this as a thank-you to the Senator from Oklahoma for his good manners and graciousness. I appreciate it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CAMPAIGN FINANCE REFORM

Mr. NICKLES. Mr. President, I thank my friend and colleague from North Dakota. Sometimes when we are here, we get a little impatient since we all have places we want to go. I appreciate his comments, and I very much look forward to debating the budget and tax bills on the floor of the Senate next week and, frankly, over the next couple of months, as we do our appropriations bills.

I enjoy those issues, and I would have preferred doing those instead of campaign finance for the last 2 weeks. I would have preferred doing the education bill. I, for one, was urging our caucus, and Senator MCCAIN and others, to defer on campaign finance so we could take up some of the higher priorities which, in my opinion, are education, tax reduction, and the budget. I didn't win that debate.

We have been on the campaign finance bill for the last couple weeks because of the tenacity, persistence, and stubbornness of our good friends, the Senator from Arizona, Mr. MCCAIN, and the Senator from Wisconsin, Mr. FEINGOLD. I compliment them. They have been persistent and tenacious in pushing this bill. I also compliment them for their efforts in working with many of us who tried to make the bill better. We had some successes and we had some failures. In some ways this bill is a lot better than it was when it was introduced and in some areas it got a lot worse. I will touch on a few of those.

I had hoped we would be able to improve the bill. I could not support the bill when it was originally introduced before the Senate. I had hoped we could make some improvements so that this Senator could support final passage. I was committed to try to do that. We had some success in a couple of areas, but we had some important failures as well.

I also compliment others who worked hard on this bill including Senator THOMPSON and Senator HAGEL. Senator HAGEL came up with a good substitute. Senator THOMPSON had a good amendment dealing with hard money, and I worked with him on that amendment.

I also compliment Senator MCCONNELL and Senator GRAMM, who were fierce, articulate opponents and spoke very well. Senator GRAMM's speech last night was one of the best speeches I have heard in my entire Senate career. He spoke very forcefully about freedom of speech and the fact that even though the editorial boards and public opinion polls say, let's vote for this, that we should abide by the Constitution.

The Presiding Officer, Senator BYRD, reads the Constitution as frequently, maybe more frequently than anybody in this body. When we are sworn into office, we put up our hand and we swear to abide by the Constitution.

The first amendment to the Constitution, one of the most respected and important provisions in the Constitution, states very clearly that ''Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.''

''Congress shall make no law . . .'' Mr. President, that includes the McCain-Feingold bill. In my opinion, this bill restricts our freedom of speech, not only in the original version, but especially in the version that we have now.

Some of the different sections of this bill go by different names based on their sponsors. I have great respect for my colleagues, and I know Senators SNOWE and JEFFORDS worked on a section restricting speech before elections by unions, corporations, and by other interest groups. This bill restricts their ability to speak, to run ads. This bill prohibits them, in many cases, from being able to run ads less than 60 days prior to an election that mention a candidate's name. There are a lot of groups, some on the left, such as the Sierra Club, and some on the right, such as National Right To Life, for example, that may want to run ads about a bill before Congress. We may be debating partial birth abortion or ANWR, and we might be having this debate in September on an appropriations bill, less than 60 days before the election. This bill will say they cannot run an ad with an individual's name saying vote this way or that way, or don't support this person, because he is wrong on ANWR, or he is correct on the right to life issue. Their free speech would be prohibited. I find that to be unconstitutional.

I have heard a lot of debate on the floor saying they did not think that Snowe-Jeffords is unconstitutional, and other people saying that it was. Then Senator WELLSTONE came up with an amendment that said, let's expand that to all interest groups—the same restrictions we had on unions and businesses on running ads within 60 days. Let's make that apply to them as well. Senators MCCAIN and FEINGOLD said